

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE TARIFF FILING OF LDDS OF)
INDIANA, INC. D/B/A LDDS COMM-)
UNICATIONS AND LDDS OF KENTUCKY,) CASE NO. 90-097
INC. FOR AUTHORITY TO OFFER)
OPERATOR-ASSISTED SERVICES)

O R D E R

On March 21, 1990, LDDS of Indiana, Inc. d/b/a LDDS Communications ("LDDS Indiana") and LDDS of Kentucky, Inc. ("LDDS Kentucky") filed proposed tariff sheets with the Public Service Commission ("Commission") for authority to provide operator-assisted telecommunications services in Kentucky. By Order dated April 19, 1990, the Commission suspended the tariff filings based upon a finding that they were not in compliance with the Commission's Orders in Case No. 10002 and Administrative Case No. 330.¹ Copies of the Orders in those cases were attached to the suspension Order as Appendices A, B, and C. South Central Bell Telephone Company ("SCB") was granted intervention by Order of May 4, 1990. On June 21, 1990, LDDS Kentucky and LDDS Indiana filed

¹ Case No. 10002, The Application of International Telecharge, Inc. for a Certificate of Public Convenience and Necessity to Operate as a Reseller of Telecommunications Services Within the State of Kentucky, and Administrative Case No. 330, Policy and Procedures in the Provision of Operator-Assisted Telecommunications Services.

revised tariff sheets, and on July 10, 1990 LDDS Indiana filed an additional revised tariff sheet to correct an error on Original Page No. 12.

After reviewing the revised tariff sheets and being sufficiently advised, the Commission finds that the revised tariff sheets are inconsistent with the Commission's Orders and policies as follows:

1. Section A, 3.4 - LDDS Kentucky and LDDS Indiana. Finance charges may not be assessed on bills for utility service; however, a reasonable late payment penalty may be applied to bills not paid by the due date. Any payment received shall first be applied to the bill for services rendered. In subsequent bills, a penalty shall not be assessed on an unpaid penalty.

2. Section E, 1.1 - LDDS Kentucky and LDDS Indiana. The rates in some mileage bands exceed the maximum rates found reasonable for AT&T. Further, the proposed tariffs do not include provisions for holiday discounts.

3. Section E, 2.0(3.) - LDDS Kentucky and LDDS Indiana. Subsection (a) of this section provides that traffic aggregators shall not take steps to block access to other long-distance carriers. Administrative Case No. 330 provides that access to the operator services of competing carriers shall not be blocked nor shall access to the local exchange carrier's operators be blocked or otherwise intercepted. Specifically, all "O minus" calls shall be directed to the local exchange carrier operators and, in equal access areas, "O plus" intraLATA calls shall not be intercepted or blocked. In non-equal access areas, blocking or interception of

"O minus" calls is prohibited; however, it is permissible to intercept "O plus" calls.

Subsections (c) and (d) of this section require the traffic aggregator to provide rate information to the end-user and to adhere to tariffed rates. Adherence to tariffed rates and provision of rate information is the responsibility of the utility not the traffic aggregator who is a subscriber of utility service.

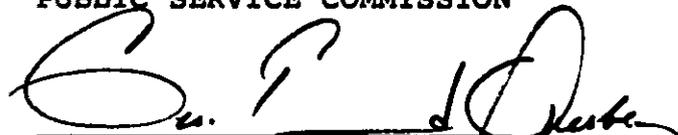
IT IS THEREFORE ORDERED that:

1. The proposed tariff sheets filed June 21, 1990 are hereby rejected.

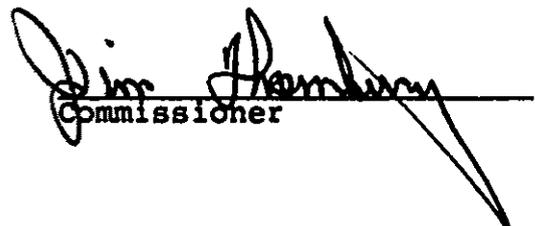
2. Within 30 days from the date of this Order, LDDS Kentucky and LDDS Indiana shall file revised tariffs in accordance with the findings herein and Administrative Case No. 330, or a response stating the reasons why they should not be required to comply.

Done at Frankfort, Kentucky, this 2nd day of August, 1990.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director